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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,107	03/16/2001	Tohru Yoshida	1317.1071/MDS/HEW	8941

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EXAMINER

VUONG, BACH Q

ART UNIT PAPER NUMBER

2653

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,107

Applicant(s)

YOSHIDA, TOHRU

Examiner

Bach Q. Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 10, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This communication is responsive to an RCE filed on 04/04/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (US 5,315,402).

Ito et al., according to Figs. 13-14, shows a device that records information using a light on an optical disc comprising all features of the claimed invention as interpreted below:

Regarding claim 1, see Figs. 13-14 which show a device that records information using a light on an optical disc, which is rotated at a constant speed by controlling a number of rotations per unit time used to record the information, comprising: a linear velocity detector (see linear velocity detecting means 28) that detects a linear velocity using a velocity of a spot of the light, which records the information on a surface of the optical disc, in tangential direction of a circumference of the optical disc; and an optical power controller (see recording means 25) that controls an optical power of the light that records the information to the optical disc based on the linear velocity detected by the linear velocity detector.

Regarding claim 10, see Figs. 13-14 which show a device that records information using a writing laser beam on an optical disc, comprising: a controller which holds the optical disc to a constant speed by controlling a number of rotations per a unit of time; a linear velocity detector (see linear velocity detecting means 28) that detects a linear velocity using a velocity based on a

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velocity of a spot of the writing laser beam in a tangential direction; and an optical power controller (see recording means 25) that controls the writing laser beam to write information to the optical disc based on the linear velocity.

Regarding claim 14, see Figs. 13-14 which show a method of recording information using a light on an optical disc, which is constantly rotating by a number of rotating per unit time, comprising: detecting a linear velocity from a velocity of a spot the light which records the information to the optical disc, in a tangential direction of a circumference of the optical disc (see linear velocity detecting means 28); and controlling the optical power of the light, to record the information to the optical disc based on the linear velocity (see recording means 25).

Regarding claim 20, see Figs. 13-14 which show a recording device that records information on an optical disc using a light from a laser, which is rotated at a constant speed, the recording device comprising: a laser driver (see LD driver 25a) which drives the laser according to a driving signal; and a control circuit (see Laser driving pulse generating means 24b) which generates the driving signal selectively based upon a linear velocity of the light on the optical disc and not based upon the linear velocity, according to a recording material of the optical disc.

Allowable Subject Matter

Claims 11-13 and 15-19, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-13 and 15-19 are allowable over the prior art of record because all the cited references, considered as closest prior art and viewed considered in combination or individually, fails to suggest or fairly teach a device for recording information using a light on an optical disk

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including a combination of all features as recited in each of claims 2, 11 and 15. Claims 3-9, 12, 13 and 16-19 fall with their respective parent claim.

Claims 2-9 and 22 are allowed.

Response To Arguments

In response to Applicant's arguments filed 07/06/2004 related to claims being rejected under 35 USC –102 as being anticipated by Ito et al. on pages 7 and 8, it seems that Applicant's arguments on the above-mentioned pages, "... to detect velocity of optical disc by using a velocity of a spot of light features" recited in claims 1 is not disclosed in the specification. In the specification at page 4, paragraph [0016], it discloses that "... Here, the linear velocity of the optical disc is defined as a velocity of a spot of the laser beam irradiated by the laser diode 2"; Accordingly, the limitation "detects velocity of optical disc by using a velocity of a spot of light features" is also disclosed by Ito et al. by detecting the linear velocity of the disc. Clearly, Ito et al. do show all the features of the claimed invention.

Thus, the rejections applied to the claimed invention are maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
June 30, 2005


TAN DINH
PRIMARY EXAMINER

7/5/05